

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 08-0730 WHA

Plaintiff,

v.

**REQUEST FOR FURTHER OFFER
OF PROOF BY DR. DEBORAH DAVIS**

ANGEL NOEL GUEVARA, *et al.*

Defendants.


Further with respect to Dr. Deborah Davis and the extent to which she may be allowed to testify, counsel for defendant Angel Noel Guevara shall please file, no later than **5 P.M. ON THURSDAY, MAY 12, 2011**, a detailed offer of proof limited to issues raised by the testimony of SFPD Sergeant Scott Lau that the photographic line-ups used in connection with the stabbings on December 26, 2007, were “as fair as possible.” This critique is to be limited to best practices (or not) involved in photographic line-ups and the problem of suggestiveness and how to avoid it. The critique should not extend to general weaknesses in eyewitness identification and memory or anything other than photographic lineups.

Each proposed opinion shall be separately stated with specificity (and numbered). After each opinion, the proffer must list and cite the references and evidence on which the opinion is based, block quoting the paragraphs therein believed to support the opinion. The proffer must be signed by the witness as well as counsel.

1 Within one week thereafter, by **5 P.M. ON THURSDAY, MAY 19, 2011**, the government may
2 oppose in writing. The Court will then evaluate the foregoing and decide whether, and if so the
3 extent, to which Dr. Davis shall be permitted to testify.

4
5 **IT IS SO ORDERED.**

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7 Dated: April 20, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE